means for calculating a checksum of the software currently stored in said memory;

means for comparing said calculated checksum to a previously stored checksum; and

means for generating the software start up failure signal when said calculated checksum is not identical to the previously stored checksum.

Remarks/Arguments

Upon entry of the accompanying amendment, claims 1, 3-14 and 16-22 will be pending in this application. Claims 1, 3-14 and 16-18 are rejected in the final Office Action dated December 16, 2008. Claims 1 and 16 are amended herein to more particularly point out and distinctly claim the subject matter Applicants regard as the invention. Claims 19-22 are newly added herein to alternatively define the invention.

Re: Claims 1, 3-9, 11, 13, 14 and 16-18

Claims 1, 3-9, 11, 13, 14 and 16-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,940,074 issued to Britt, Jr. et al. (hereinafter, "Britt, Jr.") in view of U.S. Patent No. 7,251,725 issued to Loison et al. (hereinafter, "Loison"). Applicants respectfully traverse this rejection for at least the following reasons.

It is first noted that independent claim 1, as amended herein, recites:

"Network equipment for providing a connection to a local network, said local network comprising at least one software server, said network equipment comprising:
a memory for storing software;
means for providing a connection to said <u>local</u> network; and
means for monitoring a start up of the network equipment to detect a software start up failure, and for generating a software start up failure signal in response to detecting said software start up failure, said software start up failure signal being sent on the local network for reception by said at least one software server, <u>said software start up failure signal comprising information specifying at least one of:</u>

7

> (i) a nature of said software start up failure, an identification of
> replacement software to be downloaded, and an identification of a version
> of the software currently stored in the memory;
>   (ii) said nature of said software start up failure, and said
> identification of replacement software to be downloaded; and
>   (iii) said nature of said software start up failure, and said
> identification of said version of the software currently stored in the
> memory." (emphasis added)

As indicated above, amended independent claim 1 defines network equipment comprising a memory for storing software, means for providing a connection to a local network, and means for monitoring a start up of the network equipment to detect a software start up failure. In response to detecting the software start up failure, the monitoring means generates a software start up failure signal which is sent on the local network for reception by at least one software server. The software start up failure signal comprises information specifying at least one of: (i) a nature of said software start up failure, an identification of replacement software to be downloaded, and an identification of a version of the software currently stored in the memory; (ii) said nature of said software start up failure, and said identification of replacement software to be downloaded; and (iii) said nature of said software start up failure, and said identification of said version of the software currently stored in the memory. Independent claim 16 is amended herein to recite subject matter similar to independent claim 1.

Neither Britt, Jr. nor Loison, whether taken individually or in combination, discloses or suggests each and every element of independent claims 1 and 16. The primary reference, Britt, Jr., discloses that, in the event of a software error, a failure notification is sent to a server located on the Internet (see, for example, column 8 lines, 24-27). In contrast, the claimed invention states that its failure notification (i.e., the "software start up failure signal") is sent on a local network. The Examiner admits this deficiency of Britt, Jr. on page 3 of the final Office Action dated December 16, 2008. As indicated in Applicants' previous response, the failure notification according to Britt, Jr. is provided using a multiple step process, as indicated in FIG. 9. According to this process, the network device first connects to a server using a default connection script (see column 9, lines 41-42). The network device then receives a local connection

script. Next, the network device connects to the same server using the local connection script. The network device further connects to a default server using a default IP address, port and path. Finally, the network device requests a default upgrade file and indicates the version of the software it is currently running (column 9, lines 52-54). However, Britt, Jr. fails to disclose or suggest, *inter alia*, that its failure notification specifies "a nature of said software start up failure" as claimed. Accordingly, Britt, Jr. fails to disclose or suggest, *inter alia*, the "software start up failure signal" as claimed.

Loison is unable to remedy the aforementioned deficiencies of Britt, Jr. In particular, Loison deals with remote boot processes, where a remote boot process generally allows for "thin clients" on a network (column 1, line 23) and allows for downloads of replacement code in the case of a boot failure. Also according to Loison, a web boot process may be performed in the case of certain system failures, whereby a remote boot process is performed via the Web (column 8, lines 4-31), not by sending a failure signal on a local network, as claimed. Moreover, Loison also fails to disclose or suggest, *inter alia*, the sending of a failure signal that specifies "a nature of said software start up failure" as claimed. Accordingly, like Britt, Jr., Loison also fails to disclose or suggest, *inter alia*, the "software start up failure signal" as claimed. As such, Loison fails to remedy the deficiencies of Britt, Jr.

Therefore, for at least the foregoing reasons, Applicants submit that independent claims 1 and 16 (and their respective dependent claims) are non-obvious over the proposed combination of Britt, Jr. and Loison, and withdrawal of the rejection is respectfully requested.

Re: Claims 10 and 12

Claims 10 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Britt, Jr. in view of Loison, and further in view of U.S. Patent Publication No. 2002/0095619 by Marsh (hereinafter, "Marsh"). Applicants respectfully traverse this rejection since Marsh is unable to remedy the deficiencies of Britt, Jr. and Loison pointed out above in conjunction with independent claim 1, from which claims 10 and

12 depend. Accordingly, claims 10 and 12 are deemed non-obvious over the proposed combination of Britt, Jr., Loison and Marsh, and withdrawal of the rejection is respectfully requested.

Re: Newly Added Claims 19-22

Claims 19-22 are newly added herein to alternatively define the present invention, and are deemed allowable for at least the same reasons as independent claims 1 and 16.

Conclusion

In view of the foregoing remarks/arguments and accompanying amendments, the Applicants believe this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled. Please charge the fees for the one (1) month extension of time and the RCE to Deposit Account 07-0832.

Respectfully submitted,

/Reitseng Lin/
By: Reitseng Lin
     Reg. No. 42,804
     Phone (609) 734-6813

Patent Operations
Thomson Licensing LLC
P.O. Box 5312
Princeton, New Jersey 08540
April 6, 2009